

REMARKS

The application has been amended and is believed to be in condition for allowance.

The previous claims were rejected under 35 USC 112, second paragraph, as indefinite.

These claims have been replaced with new claims drafted to remedy the stated basis of rejection. The claims are believed to clearly recite that it is the walls which diverge away from each other from the inlet of the tray to the outlet, and not the walls themselves which diverge in width.

Support for this clarifying amendment is clear in the final paragraph on page 3.

The 'in use' language has been removed.

The language used in original claim 3 is now in independent claim 8 and has been clarified, as required by the Official Action.

The 'tee shield' has been positively recited.

Withdrawal of the indefiniteness rejection is therefore requested.

Claims 1-6 were rejected under 35 USC 112, first paragraph. The features of original claims 1 and 3 have been combined in claim 8 to claim the essential features of the invention. However, as applicant is not certain what the Official Action believes is essential but not recited, independent claim 14 has been added, which claim corresponds to

claim 8 and recites "means for feeding the balls one at a time to a golf tee" which was the structure said to be essential but not recited.

Applicant would appreciate the Examiner telephoning the undersigned attorney to resolve any question in this regard. This telephone conversation is requested prior to any further Official Action being issued.

Withdrawal of this rejection is solicited.

The Official Action rejected original claims 1 and 2 under 35 USC 102(b) in view of KOENER 2,948,536.

Since the matter of original claim 3 has been incorporated into the independent claims, this rejection is moot.

Withdrawal of the anticipation rejection is solicited.

The Official Action rejected claims 1-6 under 35 USC 103(a) in view of CHUNG 4,602,789 in view of TURNRIDGE 5,071,131.

CHUNG discloses only parallel wire rails, not a tray, which feed balls to the scoop. The parallel wire rails do not diverge, and cannot diverge since the balls would tend to fall through the gap between the wire rails or get lodged and stuck between the wire as the separation increased towards the scoop.

The wire rails only support single lines of balls. Therefore there is no motivation whatsoever for the skilled person to replace the wire rails with the tray suggested by TURNRIDGE.

In any event, even if the tray of TURNRIDGE was used, the walls do not diverge from the inlet to the outlet. The walls of TURNRIDGE, as the Examiner is aware, converge from the inlet end to the outlet end. This is the opposite arrangement to that of the present invention. Therefore, even if the combination was used, the features of present independent claims will not be obtained.

The Official Action states that the tray of TURNRIDGE would be used since it is of 'simpler construction' (paragraph 8, second paragraph of the examination report).

Applicant does not agree.

The parallel rails of CHUNG are as simple as one can get, and the configuration of the tray of TURNRIDGE is actually reasonably complex. As such, the skilled person would not see the combination of the teachings of the two documents as being an obvious step.

Therefore, the pending claims are clearly not obvious in light of this combination.

Applicant therefore respectfully submits that the claims are both novel and non-obvious.

Allowance of all the claims is respectfully requested.

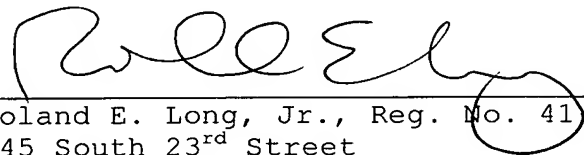
Applicant believes that the present application is in condition for allowance and an early indication of the same is respectfully requested.

Again, since there was some uncertainty concerning the \$112, first paragraph rejection, it is requested that a telephone interview be arranged if needed to resolve any further outstanding matters in this regard.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Roland E. Long, Jr., Reg. No. 41 949  
745 South 23<sup>rd</sup> Street  
Arlington, VA 22202  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

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